IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN.NO.1566 OF 2007

Raghunath Balkrishna Kalbhade
and Anr. ..Applicants

Vs.

State of Maharashtra ..Respondents

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Mr.Kuldeep S.Patil advocate for applicants
Mr.K.V.Saste A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : MAY 03, 2007

P.C.

1. Heard the learned advocate for the applicants and the learned A.P.P. for the State.

2. The applicants are seeking anticipatory bail in C.R.No.I-98 of 2007 of Virar Police Station. The said case is mainly under Sections 395 and 397 of IPC.

3. The incident has led to cross complaints being

filed. The applicants had earlier preferred application for anticipatory bail before the concerned Sessions Court. It is an admitted fact that without calling for the police report, the said application came to be rejected by the Sessions Court. In such circumstances, in my view, the applicants ought to be granted one more opportunity to argue their application for anticipatory bail before the concerned Sessions Court. To enable the applicants to take necessary steps, the applicants are granted interim protection upto 14.5.2007.

4. In view of the above, the order of the Sessions Court dated 24.4.2007 rejecting the application for anticipatory bail, is set aside and the said application is revived. The learned Sessions Judge shall hear the said application afresh and dispose it of on merits without being influenced by the observations made in the order dated 24.4.2007.

5. Upto 14.5.2007, in the event of arrest, each of the applicants to be released on bail in the sum of Rs.10,000/- each (Rs.ten thousand only) with one or two sureties to make up the said amount.

6. It is made clear that this temporary protection is granted only upto 14.5.2007. In the meantime, the applicants to report to the concerned police station as and when called and to cooperate with the investigation.

7. Application is disposed of.

[SMT.V.K.TAHILRAMANI, J.]